

Reokuk

Title 21

AIRPORT ZONING

Chapters:

- 21.04 General Provisions**
- 21.05 Interpretation and Enforcement**
- 21.12 Definitions**
- 21.16 Zones - Boundaries**
- 21.20 Use Regulations**
- 21.30 Permits**
- 21.40 Board of Adjustment**
- 21.44 Airport Zoning Commission**
- 21.48 Penalties - Review**

Chapter 21.04

GENERAL PROVISIONS

Sections:

| | |
|------------------|-----------------------------|
| 21.04.010 | Title. § |
| 21.04.020 | Purpose and intent. |
| 21.04.030 | Statutory authority. |

21.04.010 Title

The ordinance codified in this title shall be known and may be cited as "The Keokuk Municipal Airport Height Zoning Ordinance " (Ord 1438 § 2 (part), 1986)

21.04.020 Purpose and intent.

The purpose and intent of this section is to regulate and restrict the height of structures and objects of natural growth and otherwise regulate the use of property in the vicinity of the Keokuk Municipal Airport by creating the appropriate boundaries thereof; providing for changes in the restrictions and boundaries of such zones; defining certain terms used in this title; referring to the Keokuk Municipal Airport Part 77 Airspace Plan which is incorporated in this title and made a part of this title by reference, as though fully set forth in this title; and imposing penalties for the violations of this title (Ord 1438 § 2 (part), 1986)

21.04.030 Statutory authority.

This title is adopted pursuant to the authority contained in Chapter 329, Code of Iowa. It is found that an obstruction has the potential for endangering the lives and property of users of Keokuk Municipal Airport, and property or occupants of land in its vicinity; that an obstruction may effect existing and future instrument approach minimums of Keokuk Municipal Airport; and that an obstruction may reduce the size of area available for the landing, takeoff and maneuvering of aircraft, thus tending to destroy or impair the utility of Keokuk Municipal Airport and the public investment therein. (Ord 1438 § 2 (part), 1986)

Chapter 21.08

INTERPRETATION AND ENFORCEMENT

Sections:

| | |
|------------------|---------------------------------|
| 21.08.010 | Interpretation. |
| 21.08.020 | Enforcement. |
| 21.08.030 | Severability. |
| 21.08.040 | Conflicting regulations. |

21.08.010 Interpretation.

In interpreting and applying the provisions of this title, they shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, comfort, morals, prosperity and general welfare. It is not intended by this title to interfere with or abrogate or annul any easements, covenants or other agreements between parties, or licenses, franchises or permits issued by the city or county, except that if this title imposes a greater restriction, in all cases except franchises issued by the city or county upon vote of the elector, this title shall control (Ord 1438 § 2 (part), 1986)

21.08.020 Enforcement.

It is the duty of the building inspector to administer the regulations prescribed in this title. Applications for permits and variances shall be made to the building inspector upon a form furnished by him. Applications required by this title to be submitted to the administrative agency shall be promptly considered and granted or

denied. Application for action by the board of adjustment shall be forthwith transmitted by the building inspector (Ord 1438 § 2 (part), 1986)

21.08.030 Severability.

If any provision of this title or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of this title which can be given effect without the invalid provision of application, and to this end the provisions of this title are declared to be severable (Ord 1438 § 2 (part), 1986)

21.08.040 Conflicting regulations.

Where there exists a conflict between any of the regulations or limitations prescribed in this title and any other regulations applicable to the same area, whether the conflict is with respect to height of structures, the use of land or any other matter, the more stringent limitation or requirement shall govern and prevail. (Ord 1438 § 2 (part), 1986)

Chapter 21.12

DEFINITIONS

Sections:

21.12.010 Definitions generally.

21.12.010 Definitions generally.

For the purpose of this title, certain terms and words are defined by this chapter. Words used in the present tense include the future; the singular number includes the plural and the plural the singular; the word "building" includes the word "structure"; and the word shall is mandatory and not directory.

- (a) "Airport" means the Keokuk Municipal Airport.
- (b) "Airport elevation" means the highest point of any airport's useable landing area measured in feet above mean sea level, which elevation is six hundred seventy-one feet.
- (c) "Approach surface" means a surface longitudinally centered on the extended runway centerline, extending outward and upward from the end of the primary surface and at the same slope as the approach zone height limitation slope set forth in Section 21.16 020 of this title. In plan the perimeter of the approach surface coincides with the perimeter of the approach zone.
- (d) Approach, Transitional, Horizontal and Conical Zones These zones are set forth in Section 21.16 010
- (e) "Conical surface" means a surface extending outward and upward from the periphery of the horizontal surface at a slope of twenty to one for a horizontal distance of four thousand feet.
- (f) "Hazard to air navigation" means an obstruction determined to have a substantial adverse effect on the safe and efficient utilization of the navigable airspace.
- (g) Height For the purpose of determining the height limits in all zones set forth in this title and shown on the airspace plan, the datum shall be mean sea level elevations unless otherwise specified.
- (h) "Horizontal surface" means a horizontal plane one hundred fifty feet above the established airport elevation, the perimeter of which in plan coincides with the perimeter of the horizontal zone.
- (i) "Larger than utility runway" means a runway that is constructed for and intended to be used by propeller driven aircraft of greater than twelve thousand five hundred pounds maximum gross weight and jet powered aircraft.
- (j) "Nonconforming use" means any preexisting structure, object of natural growth or use of land which is inconsistent with the provisions of this section or amendment thereof.
- (k) "Nonprecision instrument runway" means a runway having an existing instrument approach

procedure utilizing air navigation facilities with only horizontal guidance, or are type navigation equipment, for which a straight-in nonprecision instrument approach procedure has been approved or planned

- (l) "Obstruction" means any structure, growth or other object, including a mobile object, which exceeds a limiting height set forth in Section 21.16.020 of this title.
- (m) "Person" means an individual, firm, partnership, corporation, company, association, joint stock association or government entity, and includes a trustee, a receiver, an assignee, or a similar representative of any of them.
- (n) "Precision instrument runway" means a runway having an existing instrument approach procedure utilizing an instrument landing system (ILS) or a precision approach radar (PAR). "Precision instrument runway" also means a runway for which a precision approach system is planned and is so indicated on a approved airport layout plan or any other planning document.
- (o) "Primary surface" means a surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends two hundred feet beyond each end of that runway. The width of the primary surface is set forth in Section 21.16.010 of this title. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.
- (p) "Runway" means a defined area on an airport prepared for landing and takeoff of aircraft along its length.
- (q) "Structure" means an object, including a mobile object, constructed or installed by man, including but without limitation, building, towers, cranes, smokestacks, earth formation and overhead transmission lines.
- (r) "Transitional surfaces" means these surfaces extending outward at ninety degree angles to the runway centerline and the runway centerline extended at a slope of seven feet horizontally for each foot vertically from the sides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces. Transitional surfaces for those portions of the precision approach surfaces, which project through and beyond the limits of the conical surface, extend a distance of five thousand feet measured horizontally from the edge of the approach surface and at ninety degree angles to the extended runway centerline.
- (s) "Tree" means any object of natural growth.
- (t) "Utility runway" means a runway that is constructed for and intended to be used by propeller driven aircraft of twelve thousand five hundred pounds maximum gross weight and less.
- (u) "Visual runway" means a runway intended solely for the operation of aircraft using visual approach procedures. (Ord 1438 § 2 (part), 1986)

Chapter 21.16

ZONES - BOUNDARIES

Sections:

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| 21.16.010 | Zones designated. |
| 21.16.020 | Airport zone height limitations. |

21.16.010 Zones designated.

- (a) In order to carry out the provisions of this title, there are created and established certain zones to include all the land lying beneath the approach surfaces, transitional surfaces, horizontal surfaces and conical surfaces as they apply to the Keokuk Municipal Airport. Where uncertainty exists with respect to the boundaries of the various zones as shown on the zone map, the following rules shall apply:
 - (1) The Keokuk building official shall make interpretation locations of boundaries that shall be final and binding; or
 - (2) The property owner aggrieved by the interpretation of the building official shall have a

licensed engineer certify the location of any boundary in question

- (b) Such zones are shown on the Keokuk Municipal Airport Part 77 Airspace Plan which is incorporated in this title and made a part by reference as though fully set forth in this title. An area located in more than one of the following zones is considered to be only in the zone with the more restrictive height limitation. The various zones are established and defined as follows:

- (1) **Utility Runway Nonprecision Instrument Approach Zone.** The inner edge of this approach zone coincides with the width of the primary surface and is five hundred feet wide. The approach zone expands outward uniformly to a width of two thousand feet at a horizontal distance of five thousand feet from the primary surface. Its centerline is the continuation of the centerline of the runway.
- (2) **Runway Larger than Utility with a Visibility Minimum Greater Than Three-quarter Mile Nonprecision Instrument Approach Zone.** The inner edge of the approach zone coincides with the width of the primary surface and is one thousand feet wide. The approach zone expands outward uniformly to a width of three thousand five hundred feet at a horizontal distance of ten thousand feet from the primary surface. Its centerline is the continuation of the centerline of the runway.
- (3) **Precision Instrument Runway Approach Zone.** The inner edge of this approach zone coincides with the width of primary surface and is one thousand feet wide. The approach zone expands uniformly to a width of sixteen thousand feet at a horizontal distance of fifty thousand feet from the primary surface. Its centerline is the continuation of the centerline of the runway.
- (4) **Transitional Zones.** The transitional zones are the areas beneath the transitional surfaces.
- (5) **Horizontal Zone.** The horizontal zone is established by swinging arcs of five thousand feet radii for all runways designated as utility or visual, and ten thousand feet radii for all others measured from the center of each end of the primary surface of each runway, and connecting the adjacent arcs by drawing a line tangent to these arcs. The horizontal zone does not include the approach and transitional zones.
- (6) **Conical Zone.** The conical zone is established as the area that commences at the periphery of the horizontal zone and extends outward therefrom a horizontal distance of four thousand feet. (Ord 1438 § 2 (part), 1986)

21.16.020

Airport zone height limitations.

- (a) Except as otherwise provided in this title, no structure shall be erected, altered or maintained, and no tree shall be allowed to grow in any zone created by this title to a height in excess of the applicable height limit established in the title for such zone. Such applicable height limitations are established for each of the zones in question as follows:

- (1) **Utility Runway Nonprecision Instrument Approach Zone.** Slopes twenty feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance five thousand feet along the extended runway centerline.
- (2) **Runway Larger than Utility with a Visibility Minimum Greater Than Three-quarter Mile Nonprecision Instrument Approach Zone.** Slopes thirty-four feet outward for each foot upward beginning at the end of and at the same elevations as the primary surface and extending to a horizontal distance of ten thousand feet along the extended runway centerline.
- (3) **Precision Instrument Runway Approach Zone.** Slopes fifty feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of ten thousand feet along the extended runway centerline; thence slopes upward forty feet horizontally for each foot vertically to an additional horizontal distance of forty thousand feet along the extended runway centerline.
- (4) **Transitional Zones.** Slope seven feet outward for each foot upward beginning at the sides

of and the same elevation as the primary surface and the approach surface, and extending to a height of one hundred fifty feet above the airport elevation. In addition to the foregoing, there are established height limits sloping seven feet outward for each foot upward beginning at the sides of and at the same elevation as the approach surface, and extending to where they intersect with the conical surface. Where the precision instrument runway approach zone projects beyond the conical zone, there are established height limits sloping seven feet outward for each foot upward beginning at the sides of and at the same elevation as the approach surface, and extending a horizontal distance of five thousand feet measured at ninety degree angles to the extended runway centerline.

- (5) Horizontal Zone. Established at one hundred fifty feet above the airport elevation
- (6) Conical Zone. Slopes twenty feet outward for each foot upward beginning at the periphery of the horizontal zone and at one hundred fifty feet above the airport elevation and extending to a height of three hundred fifty feet above the airport elevation
- (7) Excepted Height Limitations. Nothing in this section shall be construed as prohibiting the construction or maintenance of any structure, or growth of any tree to a height up to fifty feet above the surface of the land. (Ord 1438 § 2 (part), 1986)

Chapter 21.20

USE REGULATIONS

Sections:

- 21.20.010** **Use restrictions.**
- 21.20.020** **Nonconforming uses.**

21.20.010 Use restrictions.

Notwithstanding any other provisions of this title, no use may be made of land or water within any zone established by this title in such a manner as to create electrical interference with navigational signals or radio communication between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, create bird strike hazards or otherwise in any way endanger or interfere with the landing, takeoff or maneuvering of aircraft intending to use the airport. (Ord 1438 § 2 (part), 1986)

21.20.020 Nonconforming uses.

- (a) Regulations Not Retroactive. The regulations prescribed by this title shall not be construed to require the removal, lowering or other changes or alterations of any structure or tree not conforming to the regulations as of the effective date of the ordinance codified in this title, or otherwise interfere with the continuance of nonconforming use. Nothing contained in this title shall require any change in the construction or alteration of which was begun prior to the effective date of the ordinance codified in this title, and is diligently prosecuted.
- (b) Marking and Lighting. Notwithstanding subsection (a) of this sections, the owner of any existing nonconforming structure is required to permit the installation, operation and maintenance thereon of such markers and lights as shall be deemed necessary by the city to indicate to the operators of aircraft in the vicinity of the airport the presence of such airport obstruction. Such markers and lights shall be installed, operated and maintained at the expense of the city. (Ord 1438 § 2 (part), 1986)

Chapter 21.30

PERMITS

Sections:

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| 21.30.010 | Permits. |
| 21.30.020 | Existing uses. |
| 21.30.030 | Nonconforming uses abandoned or destroyed. |
| 21.30.040 | Variances. |
| 21.30.050 | Obstruction marking and lighting. |

21.30.010 Permits.

- (a) Future uses. Except as specifically provided in subsections (a)(1), (2), and (3) of this section, no material change shall be made in the use of land, no structure shall be erected or otherwise established, and no tree shall be planted in any zone created by this chapter unless a permit therefor shall have been applied for and granted. Each application for a permit shall indicate the purpose for which the permit is desired with sufficient particularity to permit it to be determined whether the resulting use, structure or tree would conform to the regulations prescribed in this chapter. If such determination is in the affirmative, the permit shall be granted. No permit for a use inconsistent with the provisions of this title shall be granted unless a variance has been approved in accordance with Section 21.30.040 of this chapter.
- (1) In the area lying within the limits of the horizontal zone and conical zone, no permit shall be required for any tree or structure less than seventy-five feet of vertical height above the ground, except when, because of terrain, land contour, or topographic features, such tree or structure would extend above the height limits prescribed for such zones.
- (2) In areas lying within the limits of the approach zone, but at a horizontal distance of not less than four thousand two hundred feet from each end of the runway, no permit shall be required for any tree or structure less than seventy-five feet of vertical height above the ground, except when such tree or structure would extend above the height limit prescribed for such approved zones.
- (3) In the area lying within the limits of the transition zones beyond the perimeter of the horizontal zone, no permit shall be required for any tree or structure less than seventy-five feet of vertical height above the ground, except when such tree or structure, because of terrain, land contour or topographic features would extend above the height limit prescribed for such transition zone.
- (b) Nothing contained in this section shall be construed as permitting or intending to permit any construction, or alteration of any structure or growth of any tree in excess of any of the height limits established by this title, except as set forth in Section 21.16.020 of this chapter. (Ord 1438 § 2 (part), 1986)

21.30.020 Existing uses.

No permit shall be granted that would allow the establishment or creation of any obstruction or permit a nonconforming use, structure or tree to become a greater hazard to air navigation than it was on the effective date of the ordinance codified in this title or any amendment thereto or than it is when the application for a permit is made. Except as indicated, all applications for such permit shall be granted. (Ord 1438 § 2 (part), 1986)

21.30.030 Nonconforming uses abandoned or destroyed.

Whenever the building official determines that a nonconforming tree or structure has been abandoned or more than eighty percent torn down, physically deteriorated or decayed, no permits shall be granted that would allow such structure or tree to exceed that applicable height limit or otherwise deviate from the zoning regulations. (Ord 1438 § 2 (part), 1986)

21.30.040 Variances.

Any person desiring to erect or increase the height of any structure, or permit the growth of any tree or use

property, not in accordance with the regulations prescribed in this title, may apply to the city for a variance from such regulations. The application for variance shall be accompanied by a determination from the Federal Aviation Administration as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable airspace. Such variances shall be allowed where it is duly found that a literal application or enforcement of the regulations will result in unnecessary hardship and relief granted, will not be contrary to the public interest, will not be contrary to the public interest, will not create a hazard to air navigation, will do substantial justice, and will be in accordance with the spirit of this title. (Ord 1438 § 2 (part), 1986)

21.30.050 Obstruction marking and lighting.

Any permit or variance granted may, if such action is deemed advisable to effectuate the purpose of this title and be reasonable in the circumstances, be so conditioned as to require the owner of the structure or tree in question to install, operate and maintain, at the owner's expense, such markings and lights as may be necessary. If deemed proper, this condition may be modified to require the owner to permit the city at its own expense, to install, operate and maintain the necessary marking and lights. (Ord 1438 § 2 (part), 1986)

Chapter 21.40

BOARD OF ADJUSTMENT

Sections:

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|------------------|----------------------------|
| 21.40.010 | Powers and duties. |
| 21.40.020 | Composition. |
| 21.40.030 | Reversal of orders. |
| 21.40.040 | Meetings. |

21.40.010 Powers and duties.

- (a) There is created a board of adjustment to have and exercise the following powers:
 - (1) To hear and decide from any order, requirement, decision or determination made by the airport zoning commission/administrative agency in the enforcement of this title;
 - (2) To hear and decide special exemptions to the terms of this title upon which such board of adjustment, under such regulations, may be required to pass; and
 - (3) To hear and decide specific variances
- (b) The board of adjustment shall have the powers established in Iowa Statutes, Section 414 12 and Section 358A 15. (Ord 1438 § 2 (part), 1986)

21.40.020 Composition.

The board of adjustment shall consist of five members. Two members shall be appointed by the city council and two members shall be appointed by the county board of supervisors. One additional member to act as chairman, shall be selected by a majority vote of the four appointed members. The terms of the members shall be for five years, excepting that when the board is first created, one member appointed by the city council and the board of supervisors shall serve a term of two years, and the other a term of four years. Members shall be removable by the appointing authority for cause, upon written charges, after a public hearing. (Ord 1438 § 2 (part), 1986)

21.40.030 Reversal of orders.

The concurring vote of a majority of the members of the board of adjustment shall be sufficient to reverse any order, requirement, decision or determination of any administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass under this title, or to effect variations of this title. (Ord

1438 § 2 (part), 1986)

21.40.040 Meetings.

The board of adjustment shall adopt rules for its governance and in harmony with the provisions of this title. Meetings of the board shall be held at the call of the chairman and at such other times as the board of adjustment may determine. The chairman, or in his absence, the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the board of adjustment shall be open to the public. The board of adjustment shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall immediately be filed in the office of the city clerk and the county clerk, and on due case shown (Ord 1438 § 2 (part), 1986)

Chapter 21.44

AIRPORT ZONING COMMISSION

Sections:

| | |
|------------------|--------------------------|
| 21.44.010 | Powers and duties |
| 21.44.020 | Composition. |
| 21.44.030 | Meetings. |

21.44.010 Powers and duties.

There is created and airport zoning commission to recommend the boundaries of the various original zones, and appropriate regulations and restrictions to be enforced therein. Such commission shall, with due diligence, prepare a preliminary report and hold public hearings thereon before submitting its final report to the county board of supervisors and the city council. The commission may, from time to time, recommend amendments, supplements, changes or modifications to the board of supervisors and the city council (Ord 1438 § 2 (part), 1986)

21.44.020 Composition.

The airport zoning commission shall consist of five members. Two members shall be appointed by the city council, and two members shall be appointed by the county board of supervisors. One additional member, to act as chairman, shall be selected by a majority vote of the four appointed members. The terms of the members shall be for five years, excepting than when the board is first created, one member appointed by the city council and the county board of supervisors shall serve a term of two years, and the other a term of four years. Members shall be removable by the appointing authority for cause, upon written charges, after a public hearing (Ord 1438 § 2 (part), 1986)

21.44.030 Meetings.

The airport zoning commission shall adopt rules for its governance and in harmony with the provisions of this title. Meetings of the board shall be held at the call of the chairman and at such other times as the airport zoning commission may determine. The chairman, or in his absence, the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the airport zoning commission shall be open to the public. The airport zoning commission shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall immediately be filed in the office of the city clerk and the county clerk, and on due case shown (Ord 1438 § 2 (part), 1986)

Chapter 21.48

PENALTIES - REVIEW

Sections:

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|------------------|-------------------------|
| 21.48.010 | Penalties. |
| 21.48.020 | Judicial review. |
| 21.48.030 | Hold harmless. |

21.48.010 Penalties.

Each violation of this title, or of any regulation, order or ruling promulgated under this title, constitutes a misdemeanor, and is punishable by a fine of not more than five hundred dollars or imprisonment for not more than one year or both. Each day a violation continues to exist constitutes a separate offense. (Ord 1438 § 2 (part), 1986)

21.48.020 Judicial review.

Any person aggrieved or any taxpayer affected by any decisions of the board of adjustment, may appeal to the court of record as provided in Iowa Statutes, Section 414.15. (Ord 1438 § 2 (part), 1986)

21.48.030 Hold harmless.

The city stipulates that the county shall be held harmless of any and all expenses resulting from the origin and implementation of this title. (Ord 1438 § 2 (part), 1986)